

REMARKS/ARGUMENTS

Claims 1, 3, 5, 9, 10, 12-16, 19, 20, and 24-38 are pending. The Office Action rejects claims 1, 9, 10, 12-16, 20, 26, 27, 30, 35, and 36 under 35 U.S.C. §103(a) as unpatentable over DiFilippo (U.S. 6,044,364), and rejects claims 3, 5, 19, 23, 25, 28, 29, 31-34, 37, and 38 as unpatentable over DiFilippo in view of Eddy (U.S. 5,812,400). These rejections are respectfully traversed.

DiFilippo Fails to Teach or Suggest A Present Location as Recited in the Claims.

Independent claim 1 recites, in relevant part:

determining, at the remote server, a **present location of the postal device** based on the present location information; and
determining, at the remote server, whether the present location of the postal device is within a predetermined region specified by the previously stored location information

Similarly, independent claim 16 recites, in relevant part:

an authorization is received via the communication port from the remote server to use the postal device and the stored funds **when a present location of the postal device** as determined from the present location information **indicates the present location of the postal device is within a preauthorized region of operation.**

The other independent claims include similar features. Thus, the claims require identifying the **actual, present physical location** of the postal device. This is further illustrated by several of the dependent claims, which recite features such as using GPS (claims 14, 30, and 35) or a device's network, cellular, or caller-ID address (claims 25-27) to determine the actual location of the device.

In contrast, DeFilippo merely describes a system that compares stored data in a portable vault to stored data in a postage meter to determine whether the postage meter should print postage. *See, e.g.*, col. 5, lines 25-47, Figs. 2-3. Although the stored data may be a zip code, DiFilippo does not require or suggest that zip codes stored in the portable vault and the postage meter correspond to the actual, present physical location of either the vault or the meter. This

emphasizes the difference between DeFilippo's system and the features recited in the claims, since DeFilippo's system would allow a postage meter and vault combination to operate outside an authorized region, so long as the stored data / zip codes matched. Thus, contrary to the Office Action's analysis, DeFilippo fails to disclose determining a present location of a postage device and determining whether the present location is within a predefined region.

For at least this reason, DeFilippo fails to disclose or suggest each feature recited in the independent claims. The dependent claims are allowable for at least the same reasons as the independent claims, and withdrawal of the rejections is respectfully requested.

DeFilippo and Eddy Teach Away from Issuing a License as Recited in the Claims.

Although the dependent claims are allowable for at least the reasons provided above, solely to advance prosecution of the present application, several dependent claims are discussed in further detail below. The omission of a dependent claim or feature from this discussion is not an indication of agreement with the Office Action's analysis.

Claim 3 recites, *inter alia*,

when the present location of the postal device is **not within the predetermined region, issuing a license for the postal device authorizing the use of the postal device at the present location.**

Claims 24, 29, and 33 recite similar features. Notably, the claimed features allow a postal device to operate outside of a region to which it is normally restricted. The Office Action asserts that Eddy discloses this feature at column 10, lines 58-67. Applicants respectfully disagree.

The cited portion of Eddy indicates that a metering system can enable utilization of an external smart card from zip locations other than that for which the metering system is licensed. Col. 10:65-11:1. However, Eddy indicates that this is accomplished by altering the smart card to match the licensed operation location of the metering system:

When an external accounting system or smart card 10 is connected into the system, and a request for postage is initiated, as part of the authentication process...a comparison is made between the originating location information stored in the flash memory 24 or smart card chip 18 internal memory and the originating location information stored in the external smart card 10. If there is a

correspondence between these two stored location information, the printing of postage and generation of the digital token or indicia may proceed in the normal fashion with any other authentication and processing that may be employed. However, **if the location information stored in the flash memory 24 or smart card chip 18 internal memory is inconsistent with the location information stored in the external smart card 10, the system will not operate.** At this time, the location information in the external smart card is **written over** or alternatively may be put in a separate memory location (a travel memory location). **Correspondence now exist[s] between the location information stored in the flash memory 24 or smart card chip 18 internal memory and the location information stored in the external smart card 10.**

Col. 11, lines 21-44 (emphasis added). Eddy's system will not operate if the smart card and postage meter do not have matching originating location information. It only becomes operational when the smart card is given a new operating location that matches that of the postage meter. Thus, Eddy teaches away from the claimed features that allow for use of a postal device outside its authorized region.

Similarly, DeFilippo indicates that a postal meter should be prevented from printing postage when the zip codes stored in the device and a portable vault attached to the device do not match. *See* col. 6, lines 28-60; Fig. 2 (63-67). Although DeFilippo allows the portable vault to be re-assigned to a different zip code, this is merely to allow for relocation of a device. Essentially, the device is given a new authorized operating region, after which the zip codes of the postal meter and portable vault must still match before postage can be printed. *See* Fig. 2, element 65 and related text. There is no suggestion in DeFilippo that the postal meter can or should operate when outside an authorized region.

Thus, each of Eddy and DeFilippo teaches away from the recited features, and any combination of the references similarly teaches away from allowing operation of a postal device outside a region in which it's authorized to operate. For at least this reason the references fail to support an obviousness rejection of claims 3, 24, 29, and 33. Withdrawal of the rejections and reconsideration is respectfully requested.

Appl. No. 09/829,171
Amdt. dated August 18, 2008
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group 3628

PATENT
Attorney Docket No. 26978A-006610US

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9900.

The Commissioner is authorized to charge any fees due or credit any overpayment to the deposit account of Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430.

Respectfully submitted,

/ASKamlay/
Aaron Kamlay
Reg. No. 58,813

DATE: August 18, 2008

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 202-481-9900
Fax: 415-576-0300
61467485 v1